

COMMAND EVALUATION  
AND  
REVIEW OFFICE  
(CERO)  
CODE 100CE



HOTLINE INVESTIGATIVE REPORT

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5041  
Ser 100CE/001  
09 Jan 2015

MEMORANDUM

From: 100CE  
To: 300

Subj: NAVY IG HOTLINE #201400478

Ref: (a) Joint Travel Regulations par. C1110-D.

Encl: (1) Subject Report

1. We received a Fraud, Waste, Abuse and Mismanagement hotline complaint alleging Robert BODE, GS-15, Director of Portsmouth Naval Shipyard Detachment, San Diego, used official TDY orders to return to Portsmouth Naval Shipyard between 27 November through 30 November 2013 and 17 December through 28 December 2013 for the purpose of taking personal leave, in violation of Joint Travel Regulations par. C1110-D.

2. The allegation was substantiated. The subject employee violated reference (a).

3. Enclosure (1) provides the report of investigation approved by Navy IG and NAVSEA IG, for release, on 7 January 2015. Please provide your response to the recommendations (paragraphs 28 and 29 in enclosure (1)) in writing to Code 100CE by 23 January 2015. Your response should include: (a) steps to correct the discrepancy (including details of administrative action taken); (b) steps that will ensure the discrepancy does not occur in the future; (c) actual completion dates for all action(s) or if action(s) cannot be completed by the response date, provide estimated date(s) of completing action. Ensure a follow-up response is provided to Code 100CE when all estimated dates of action have been completed.

4. If you have any questions concerning this memo, please contact me at extension 5484.

KEVIN BRIGHAM

Copy to: 100

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**Portsmouth Naval Shipyard**

**Case Number: 201400478**

**Report of Investigation**

**9 DECEMBER 2014**

**\*\*\*\*\***

1. Investigator and Location of Working Papers

a. Investigator and Identifying Information: Kevin Brigham, GS-14, Head, Command Evaluation and Review Office at Portsmouth Naval Shipyard (PNS), (207) 438-5484, DSN 684-5484, kevin.brigham@navy.mil.

b. Location of Working Papers

(1) Portsmouth Naval Shipyard, Command Evaluation and Review Office, Code 100CE, Portsmouth, NH, 03804-5000.

(2) Naval Inspector General Hotline Tracking System (NIGHTS).

**Preliminary Statement**

2. Background and Summary

a. Hotline Control Number (NIGHTS #201400478). Naval Inspector General (NAVINSGEN) received the complaint via Department of Defense Inspector General (DoD IG) Action Referral 20140212-023186-01 and tasked Naval Sea Systems Command Inspector General on 26 February 2014. NAVINSGEN approved investigation to be conducted on 2 October 2014.

b. Summary of Complaint. On or about 7 January 2014, an anonymous complainant contacted DoD IG via the web to report alleged travel fraud. The complainant indicated the Director of Portsmouth Naval Shipyard Detachment, San Diego, Robert BODE, GS-15, has been on TDY (Temporary Duty) travel orders from Portsmouth Naval Shipyard, Kittery, ME, to San Diego, CA, since August 2013. Mr. BODE's TDY orders returned him to Portsmouth Naval Shipyard (twice); for the purpose of taking personal leave, a violation of the Joint Travel Regulations (JTR). JTR,

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par. C1110-D indicates transportation reimbursement is authorized for the cost of official travel between duty stations only and the Approving Official (AO) may permit a traveler to combine official travel with leave/personal travel, provided that the AO does not permit a TDY trip that is an excuse for personal travel.

c. Identified subject: Mr. Robert BODE, GS-15, Director of Portsmouth Naval Shipyard Detachment, San Diego.

3. Summary of Allegation. Allegation #1: That Robert BODE, GS-15, Director of Portsmouth Naval Shipyard Detachment, San Diego, used official TDY orders to return to Portsmouth Naval Shipyard between 27 November through 30 November 2013 and 17 December through 28 December 2013 for the purpose of taking personal leave, in violation of JTR par. C1110-D.

**Substantiated.**

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4. Allegation #1: That Robert BODE, GS-15, Director of Portsmouth Naval Shipyard Detachment, San Diego, used official TDY orders to return to Portsmouth Naval Shipyard between 27 November through 30 November 2013 and 17 December through 28 December 2013 for the purpose of taking personal leave, in violation of JTR par. C1110-D.

**Substantiated.**

#### **Applicable Standard**

5. JTR, par. C1110-D indicates transportation reimbursement is authorized for the cost of official travel between duty stations only and the Approving Official (AO) may permit a traveler to combine official travel with leave/personal travel, provided that the AO does not permit a TDY trip that is an excuse for personal travel.

#### **Findings of Fact**

6. On 27 June 2013

(b)(6)

(b)(6) wrote a letter to Mr. BODE, congratulating him on his selection as the San Diego Detachment Director, GS-15, under a

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temporary promotion, not to exceed five years.

7. On 28 June 2013 (b)(6) sent an e-mail to Portsmouth Naval Shipyard's Administrative Services Division indicating Mr. BODE has been selected as the GS-15 Detachment Director. The e-mail indicated: "The offer for the position has been made to temporarily promote Mr. BODE into this position and he has accepted the offer. The plan is to TDY him out there to get some run time with him in the position and TCS later if it works out".

8. A review of Mr. BODE's official travel orders revealed he was TDY from Portsmouth Naval Shipyard to San Diego, CA, from 11 August 2013 through 30 September 2013. The travel orders revealed they were amended 19 September 2013 to change the return date to 23 September 2013.

9. A NOTIFICATION OF PERSONNEL ACTION (SF-50) with an effective date of 25 August 2013 was sent to Mr. BODE promulgating the appointment of the promotion, not to exceed 24 August 2014, as the Director of the Portsmouth Naval Shipyard Detachment, San Diego.

10. On 19 November 2013 the Public Affairs Office published a Memorandum of Agreement (MOA) between Portsmouth Naval Shipyard and the Bargaining Units. The MOA indicated that personnel assigned to USS ALBUQUERQUE (SSN 706) Pre-Inactivation Restricted Availability (PIRA) being conducted in San Diego, CA, would curtail operations on Thursday and Friday immediately following Christmas and on the Monday and Tuesday immediately preceding New Year's Day. Employees assigned to the USS ALBUQUERQUE continue to follow the previous agreement made by the Project Team. Those employees that traveled home may work at the Shipyard on Monday, December 30<sup>th</sup> and Tuesday, December 31<sup>st</sup>, by making their intent known no later than 27 November 2013.

11. A review of Mr. BODE's official travel orders revealed he was TDY from Portsmouth Naval Shipyard to San Diego, CA, from 8 October 2013 through 13 February 2014. The travel orders revealed they were amended 25 November 2013 to change the return date to 26 November 2013.

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12. A review of Mr. BODE's travel orders revealed he returned to Portsmouth Naval Shipyard between 27 November through 30 November 2013.

13. A review of Mr. BODE's time and attendance records in SUPDESK showed that Mr. BODE was in a leave status on 27 November through 29 November 2013. The 30<sup>th</sup> of November was a Saturday.

14. A review of Mr. BODE's official travel orders revealed he was TDY from Portsmouth Naval Shipyard to San Diego, CA, from 1 through 17 December 2013.

15. A review of Mr. BODE's travel orders revealed he returned to Portsmouth Naval Shipyard between 17 through 27 December 2013.

16. A review of Mr. BODE's time and attendance records in SUPDESK showed that Mr. BODE was in a leave status on 17 through 27 December 2013.

17. A review of Mr. BODE's official travel orders revealed he was TDY from Portsmouth Naval Shipyard to San Diego, CA, from 29 December 2013 to 28 February 2014.

18. USS ALBUQUERQUE (SSN 706) Pre-Inactivation Restricted Availability (PIRA) was conducted in San Diego, CA, during the period 16 September 2013 through 28 April 2014.

#### **Witness Testimony**

(b)(6)

19. On 31 October 2014, (b)(6)  
(b)(6) was interviewed in person and indicated Mr. BODE was temporarily promoted as the Director of the Portsmouth Naval Shipyard Detachment, San Diego in 2013; they wanted it probationary for at least six months.

(b)(6)

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20. On 14 November 2014 (b)(6) was interviewed via telephone and indicated he had remembered learning about individuals who returned from San Diego, CA, around the holiday's in 2013 (time period in question), after the fact, and he questioned this action. As a result, he issued an e-mail (date unknown) to all Operation Department GS-14's and 15's directing them to have all travel orders approved by him. For the aforementioned time period in question, (b)(6) did not approve Mr. BODE's return.

(b)(6)

21. On 18 November 2014 (b)(6) was interviewed via telephone and indicated at the end of calendar year 2013 or beginning of calendar year 2014, he recalled (b)(6) issued an e-mail (date unknown) directing Operations personnel to have travel orders approved by him.

(b)(6)

22. On 14 November 2014 (b)(6) was interviewed via telephone and indicated he was the Administrative Assistant during the aforementioned time period in question. (b)(6) indicated Mr. BODE was on TDY orders and if Mr. BODE had requested changes to his orders, he (b)(6) would just make them through the BEACH system.

Note: BEACH is a locally developed program that tracks off-yard availability assignments and travel related information.

(b)(6)

23. On 14 November 2014 (b)(6) was interviewed via telephone and indicated he was the previous Director of the Portsmouth Naval Shipyard Detachment, San Diego, and provided turn-over to Mr. BODE for approximately two weeks in August 2013. (b)(6) indicated Mr. BODE never worked for him; he wasn't in his chain-of-command. Therefore, (b)(6) would not have been in a position to approve travel for Mr. BODE.

### **Subject Testimony**

Robert BODE, GS-15, Director, Portsmouth Naval Shipyard  
Detachment, San Diego

24. During the period 6 through 20 November 2014, Mr. BODE was interviewed on various days via telephone as a subject and he indicated:

a. Mr. BODE indicated he could not locate any copies of the "PNS Travel Request Form" (he indicated he also checked with the Detachment Business Agent and Administrative Officer). Mr. BODE indicated that he was authorized full Per Diem TDY in San Diego, during the periods identified in paragraph 11, 14 and 17. Mr. BODE indicated that since he was TDY to San Diego all travel modifications are accomplished by making an entry into the BEACH Program, not by submitting a "PNS Travel Request Form". Mr. BODE indicated he did not know who entered the trips into the BEACH program. However, he may have told (b)(6) to initiate the modifications but (b)(6) would have known about it. Mr. BODE indicated he would have received approval from (b)(6) or (b)(6) and if they agreed, Mr. BODE would just tell (b)(6) to modify the information in the BEACH Program.

b. On 20 November 2014 Mr. BRIGHAM explained to Mr. BODE, the TDY changes associated with his travel, when he had taken annual leave or was in a holiday/leave status; the JTR indicates TDY orders could not be used to support personal travel. Mr. BODE indicated that he was in a probationary period for approximately six months (for the Director of the Portsmouth Naval Shipyard Detachment, San Diego position since 25 August 2013) and was in a TDY status to San Diego, CA. Mr. BODE indicated he was treated the same way folks who were supporting the "706 PIRA"; folks that were on TDY to San Diego were allowed to return to Portsmouth during the holiday period. Mr. BRIGHAM requested Mr. BODE send documentation (on 20 November 2014) that supports the authorization for his TDY travel amendments to support personal travel; departures on 26 November and 17 December 2013. Mr. BODE did not provide information on 20 November 2014.

25. On 1 December 2014 Robert BODE provided Kevin BRIGHAM an e-mail and indicated the following:



a. "I believe these statements are what you're looking for as none of the trips were for personal travel and I believe, to the best of my knowledge, that I conducted official business while back east."

b. "For the dates 26 November to 01 December: To the best of my knowledge, I believe I went to the Shipyard on Wednesday 27 November to conduct various meetings with several departments' representatives all of whom have representatives working at the DET. I took annual leave in an effort to burn up use or lose leave. I do not know how I can prove that I had spent time at the SY to conduct meetings with various individuals. By traveling to Portsmouth my M&I TDY Savings were \$284.00 (\$71/day for 4days), this does not account for the savings from the rental car."

c. "For the dates 17 December - 29 December: To the best of my knowledge, I believe I went to the Shipyard on the following days Wednesday 18 Dec, Thurs 19 Dec, Friday 20 December, and Monday 23 December. During these times I held numerous meetings with individuals from various Departments, including Code 130 to discuss the hiring status of the DETs QAO. I also recall attending (b)(6) retirement from the NAS on Friday. I took annual leave on Tuesday 24 December and Friday 27 December before flying back on Sunday 29 December. Although I went into the shipyard I kept myself in an annual leave status in an effort to burn up use or lose leave. By traveling to Portsmouth my M&I TDY Savings were \$710.00 (\$71/day for 10 days), this does not account for the savings from the return of the rental car."

### Analysis

26. JTR, par. C1110-D, indicates transportation reimbursement is authorized for the cost of official travel between duty stations only and the Approving Official (AO) may permit a traveler to combine official travel with leave/personal travel, provided that the AO does not permit a TDY trip that is an excuse for personal travel. Mr. BODE was TDY to San Diego as the Director of the Portsmouth Naval Shipyard Detachment, San Diego, and SUPDESK records revealed he returned to Portsmouth Naval Shipyard for the purpose of personal travel, on two

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different occasions; 26 November and 17 December 2013. Mr. BODE was not assigned to USS ALBUQUERQUE (SSN 706) Pre-Inactivation Restricted Availability (PIRA).

### **Conclusion**

27. Allegation #1 is **substantiated**.

### **Recommendations**

28. That the Portsmouth Naval Shipyard Operations Department Head, initiate action to recoup monies from Mr. BODE, when he returned to Portsmouth Naval Shipyard for the purpose of personal travel, on two different occasions; 26 November and 17 December 2013.

29. That the Portsmouth Naval Shipyard Operations Department Head, take action, as determined appropriate, regarding Mr. BODE's use of official orders to support personal travel.

### **Documents Reviewed**

30. Information in NIGHTS from the anonymous complainant.

31. Various Travel Orders and associated travel information from 11 August 2013 through 28 February 2014.

32. Joint Travel Regulations.

33. E-mail documentation concerning subject investigation.

34. Notification of Personnel Action (SF-50) effective 25 August 2013 for Mr. BODE.

35. Memorandum of Agreement between Portsmouth Naval Shipyard and the Bargaining Units of 19 November 2013.

36. SUPDESK records concerning subject investigation.

### **Witnesses Interviewed**

37. (b)(6)

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(b)(6)

**Subjects Interviewed**

42. Robert BODE, GS-15, Director, Portsmouth Naval Shipyard  
Detachment, San Diego